DECLARATION OF KYLE LUTZ

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DECLARATION OF KYLE LUTZ

- I, Kyle Lutz, declare and state as follows:
- 1. I am the Director of Farmer Relations at Western United Dairies ("WUD"), a trade organization representing more than 75% of the milk produced in California. I have personal knowledge of the facts set forth herein, and if called as a witness I could and would competently testify thereto.
- 2. I have three years of experience in environmental practices and control measures for dairies and associated crop production and in the regulatory requirements for those practices and control measures.
- 3. During the course of my working relationship with Travis Moreda, I have seen him implement continuous improvements to his dairy, as is necessary in any agricultural business.
- 4. Travis worked with myself and my colleague, Paul Sousa, to investigate and conduct a risk assessment to identify and implement a list of improvements. Attached as **Exhibit D** is a true and correct copy of the list of improvements Mr. Sousa and I worked with Travis to identify and implement. Attached as **Exhibit E** is a true and correct copy of photographs of the improvements.
- 5. Based upon my experience and expertise, these improvements have solidified and enhanced the facilities' ability to comply with the applicable regulatory requirements. Given the current condition of the improvements at the dairy, it is my opinion that the dairy's operations are not a threat to or violate the Clean Water Act.
- 6. Travis and I communicated these improvements to Plaintiff and also shared his agency-approved Nutrient Management Plan and Waste Management Plan.
 - 7. On November 1, 2024, after Travis implemented these improvements,

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I attended an inspection of Travis' dairy by the San Francisco Bay Regional Water Quality Control Board ("Water Board").

- The Water Board identified no violations, including none under the Clean Water Act. Attached as Exhibit F is a true and correct copy of the Confined Animal Facility Compliance Inspection report by the San Francisco Bay Regional Water Quality Control Board, dated November 1, 2024.
- Travis and I provided the Water Board report to Plaintiff on March 6, 9. 2025.
- Plaintiff has not commented, criticized, or objected to the site 10. improvements, or suggested any additional improvements. Plaintiff has not disputed the improvements are effective to contain manure from release to surface waters and groundwater. Plaintiff has not questioned the analysis and findings of the Water Board.
- I have reviewed the public agency documents and drone footage that Plaintiff disclosed to Travis as part of its Rule 26 disclosures. In my opinion, the documents and footage do not show a clear violation of the Clean Water Act or clear evidence that the facility discharged waste to surface water.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 25th day of September 2025, in Turlock, California.

EXHIBIT D

Travis Moreda Dairy List of Improvements

- 1.) Free Stall Barn Manure Containment: Prior to this improvement, manure produced within the free stall barn was scraped into an area below the barn where it was contained with a dirt berm. A concrete-lined reception pit was constructed below the Free Stall Barn. This allows for manure produced within the Free Stall Barn and on the walkway at the front of the Free Stall Barn to be scraped into the reception pit. Manure and related wastewater that enters the reception pit is now pumped into the existing lagoon system. Back up pumps are available on site to ensure the successful transfer of manure should the present pump require repair.
- 2.) Conveyance System/Lagoon Connection to Storage System: Prior to this improvement, not all of the existing manure lagoons were hydrologically connected. Previously, the dairy relied on one pump to ensure the successful transfer of wastewater between all five lagoons. Now, 5 additional pumps are available to create the ability to mechanically manage all of the wastewater lagoons as one unit. The pumps, in addition to overflow pipes between some of the ponds, allow for the convenient transfer of manure between ponds through the use of gravity and mechanical means. This allows for the sufficient combined capacity referenced in the Waste Management Plan.
- 3.) Removal of Gray Water & Potential Runoff: The drainage area between the Free Stall Barn and the adjacent manure lagoon was containing grey water before a culvert. The grey water was removed, and a berm was installed. Wastewater from this area is now collected before the berm and pumped into the existing lagoon system, where sufficient storage capacity exists.
- 4.) Contain Potential Runoff from Hill Utilized By Livestock: This area consists of a hillside that livestock have access to year-round. The dairy has implemented a berm which captures potential runoff resulting from usage of this area and conveys it to the lagoon system where sufficient storage capacity exists.
- 5.) Increased Capacity of the Existing Lagoon System: The dairy increased the capacity of the existing lagoon system. The improved capacity has been calculated and is referenced in the dairy's updated waste management plan, where it includes the capture of manure from the current herd size as well as the capture of the aforementioned livestock use areas.
- 6.) Milk Barn Gutter Cleaning & Plugging, Pipe Improvements: The dairy has cleaned its milk barn gutter, which was scraped clean and pressure washed. Any unnecessary drainage systems were plugged and are no longer in use. A pipe was repaired and is now fully functional.

- 7.) Corral by the Loading Chute: Prior to this improvement, the corral was utilized sparingly year-round with manure being scraped as needed. The corral by the loading chute was scraped clean and pressure washed. This area will no longer be utilized during the rainy season, and it will be limited to seasonal use to prevent any water quality issues.
- 8.) Dry Cow Barn Containment & Vegetative Buffer: Improvements were made to the dry cow barn. Dry cows will no longer utilize this barn during the rainy season. Manure produced within this barn will be scraped, piled, and removed prior to the rainy season. This rest period will create the opportunity for vegetation to grow and provide a vegetative buffer for future use during appropriate weather conditions.
- 9.) Agronomic Application of Manure: Improvements were made for the agronomic application of manure. The dairy is utilizing more efficient mechanical means to apply manure to land, such as through a traveling gun and sprinkler systems, making applications easier to calculate and allowing for a more effective management of applications in accordance with the dairy's existing nutrient management plan.
- 10.) Composting Area Containment/Tarping: Improvements were made to the composting area. The dried manure pile is fully tarped prior to the rainy season to prevent exposure to rainfall. A berm has also been implemented below this area so that any potential seepage from the pile or runoff would be captured by the berm and conveyed to the existing lagoon system.
- 11.) Feeders on Hilltops Containment/Seasonal Use: Improvements were made at a hilltop area. This area is no longer utilized during the winter months and was scraped clean prior to rain events this year.
- 12.) Dried Manure Pile: This pile was removed and applied to land prior to November 1, 2024, in accordance with the dairy's existing water board permit.
- Silage Pile & Outdoor Commodity Piling Seasonal Use: Improvements were made to storage 13.) of silage, refusals, and some bulk commodities. The dairy will not store commodities on this area during the winter months where the presence of rainfall may present a threat to water quality. Instead, the dairy will enhance the use of their existing roofed commodity barn to store commodities during the winter.

- 14.) Hot Wire Addition: The dairy has incorporated electric fencing technologies which will restrict livestock's access to any waterway in this area. The restriction of livestock access will allow for the further establishment of vegetation within the riparian area and protect water quality.
- 15.) Recordkeeping: Since these facility improvements were made, the dairy has updated their facility map to reference these improvements. The dairy has also applied for an updated Comprehensive Nutrient Management Plan with the National Resource Conservation Service (NRCS). Due to the lack of qualified Technical Services Providers (TSPs) this process may take some time. In the interim, the dairy has taken it upon themselves to update their wastewater generation calculations, wastewater storage calculations and has taken other steps available to it to expediate the process of generating the final document to include update agronomic rates calculations.

EXHIBIT E

Representative Photographs of Improvements



Berm



Berm TMD_000148



Commodity area cleared; commodities stored in Commodity Barn



Compost bermed and tarped



Corral scraped clean and to be used seasonally



Dry cow barn to be used seasonally



Electric fencing and vegetative buffer on both sides of creek



Electric fencing and vegetative buffer on both sides of creek

Milk barn gutters



Milk barn gutters



Milk barn gutters



Milk barn gutters



Milk barn gutters



Milk barn gutters

Conveyance system between lagoons



Conveyance system between lagoons



Conveyance system between lagoons



Conveyance system between lagoons

Conveyance system between lagoons



Concrete-lined reception pit below Free Stall Barn



Concrete-lined reception pit below Free Stall Barn



Concrete-lined reception pit below Free Stall Barn

Vegetative buffer

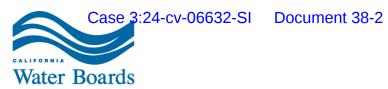


Vegetative buffer



Vegetative buffer

EXHIBIT F





San Francisco Bay Regional Water Quality Control Board

CONFINED ANIMAL FACILITY COMPLIANCE INSPECTION

General Waste Discharge Requirements for Confined Animal facilities within SF Bay Region; Order No. R2-2016-0031

Inspection Date: November 1, 2024	Time: 9:	00 AM	RB2 Staff: M.Williams	Weather: Sunny		
Inspection Type: Yearly Compl	iance	□ Comp	olaint Revisit	□ Other:		
acility Information						
Facility Name: _ <u>Travis Moreda Dairy</u> Physical Address: <u>3243 Spring Hill Road, Petaluma, CA</u>						
Operator Name: <u>Travis Moreda</u>	: <u>Travis Moreda</u> Pho		e #: email:			
Owner Name (if different):	Phone		e #:	email:		
Type of animals:Dairy Cows # of Animals (specify milking, dry, heifers, calves, mature and young stock)						
295 Dairy Holsteins, per operator/owner account. See 2024 Annual Report						
Other onsite operations (food processing, compost, animal slaughter, etc.)						
General WDR Tier: Tier 1 (no waste retention ponds)Tier 2 (uses waste retention ponds)XTier 3 (designated higher risk)						
Where and how are animals held, housed, and/or confined:						
Animals are kept in a barn, a bermed animal area (see Photos 1 and 2), and are alternated out on pasture. The bermed animal area has an inset pipe to convey runoff from the area into Pond 3 (see Photos 3 and 4).						
Type of waste containment and/or treatment facilities: The waste containment system is composed of five ponds. The first pond is a combination of two connected smaller ponds, but for the purposes of this report, it will be referred to as a single pond (as shown on the Map). This initial pond (Pond 1) and Pond 2 are responsible for separating soils from liquid waste, after which the liquid waste is pumped into the larger ponds as needed. The smaller Pond 3 collects runoff from a bermed animal area. Solid waste stockpiles are located by the southern barn adjacent to the ponds (see Photo 5).						
Records Review						
Facility has a complete and updated Waste Management Plan or Ranch Plan including storage calculations and maps	☑ Yes	□ No	Facility has an Emergency	Contingency Plan	☑ Yes	□ No
Facility has a complete and updated Nutrient Management Plan including nutrient budget calculations and land application maps and logs (Tier 2 or 3)	☑ Yes	□ No □ N/A	Visual inspection records c including: daily for confined application events, weekly monthly dry season for pon rangeland, bi-annually for v and, before, during and after	areas and land wet season for ponds, ds and wet season vet season rangeland	☑ Yes	□ No
Facility has a complete and updated Grazing Management Plan (Tier 2 or 3)	☑ Yes	□ No □ N/A	Water quality sampling by (group or operator name) Sonoma Marin Dairy Representative Monitoring Program (SMDRMP) Sampling completed? Yes Results: No exceedances Annual RDM result: low this last year due to inconsistent rain			
Comments: The operator had complete management plans and records detailing all required visual inspections and land application events. Waste material was hauled out by Ponia Fertilizer at the end of summer, and at the time of this inspection, the operator was awaiting the invoice						

for the haul. According to the operator it is standard for the invoice to arrive several months after the hauling process, as Poncia Fertilizer

typically completes paperwork processing after the hauling season.

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Animal Management and Clean V	later Dive	ersion					
Animals are fenced out of surface waters passing through confined areas	☑ Yes	□ No	□ N/A	Stream crossings within confined areas and travel lanes are secure and bermed	☑ Yes	□ No	□ N/A
Feed sites located away from waters	☑ Yes	□ No	□ N/A	Standing water infiltrates within 72 hours after storm events within confined areas	☐ Yes	□ No	☑ N/A
Buildings have effective gutters	☑ Yes	□ No	□ N/A	Storm water run-on is diverted from confined areas, ponds, and solid waste piles	☑ Yes	□ No	□ N/A
Guttered water diverted away from manured areas and ponds	☑ Yes	□ No	□ N/A	Storm water is diverted from silage/feed storage areas	☑ Yes	□ No	□ N/A
Diversion ditches are clean and not creating erosion	☑ Yes	□ No	□ N/A	Exposed confined areas minimized with fencing and/or roofing	☑ Yes	□ No	□ N/A
Comments : The operator noted that the gutter s	ystem wa	s redone	this year.				
travel between the production area containment and was observed to b	and the page well man	asture, whintained a be well n	nile safely at the insp naintained	I and had an effective design for capturing wast	ures raise	d edges fo	or waste
aste Management Facility Design and Operation							
Milk barn wastewater is contained	☑ Yes	□ No	□ N/A	Silage and/or compost leachate is contained	☑ Yes	□ No	□ N/A
All storm water run-off from confined and manured areas is collected	☑ Yes	□ No	□ N/A	All solid waste/manure is contained	☑ Yes	□ No	□ N/A
If storm water not collected, corrals are managed to prevent pollutant discharges (describe below)	☑ Yes	□ No	□ N/A	Stockpiled manure and/or bedding is more than 100 feet from surface waters or well heads, or has alternative BMP (described BMP below)	☑ Yes	□ No	□ N/A
All non-manure waste products are contained i.e., waste milk, food processing waste, medical waste, etc.	☑ Yes	□ No	□ N/A	Animal wash rack water is contained or managed with BMPs	☐ Yes	□ No	☑ N/A
Manure is managed on-site accordance with an NMP or transported off-site via manifest	☑ Yes	□ No	□ N/A	Vegetative filter strips used to separate confined areas from surface waters	☐ Yes	☑ No	□ N/A
Comments:				I and had an effective design for capturing wast	e material	in the wa	ste pond
Retention Pond Management (if a	pplicable	e)					
Ponds are located away from waterways	☑ Yes	□ No		Measures in place to prevent inundation or washout of ponds and corrals	☑ Yes	□ No	
Ponds have a least 2 ft freeboard	✓ Yes ✓ Yes	☐ No		Ponds are cleaned annually prior to wet season	✓ Yes ✓ Yes	☐ No	
Pumping system is maintained	☑ Yes	□ No		Ponds designed to contain at a minimum, all waste generated and manured storm water during a 25 yr. / 24 hr. storm (sized per WMP calculations)	☑ Yes	□ No	

Ponds system has capacity to hold entire winter if necessary

Operator maintains records of berm and pond integrity and capacity inspections. Pond 1 can be seen in the background of Photo 11, Pond 3 is in Photo 4, Pond 4 and 5 are in Photos 14 and 15 respectively.

☑ Yes

☐ No

Pasture and Grazing Land Management

Erosion Control and Stream Protec	tion				
	✓ Yes □ No	□ N/A	Stream crossings within grazing areas and travel lanes are secure, bermed, and maintained	☑ Yes □ No	□ N/A
Are riparian corridors flashed grazed seasonally?	☑ Yes 및 No	□ N/A	Off-stream water and feeding areas are located away from surface waters	☑ Yes □ No	□ N/A
No evidence of rill, sheet, or gully erosion	☑ Yes □ No	□ N/A	Adequate residual dry matter is present	☐ Yes ☐ No	☑ N/A
Intensively used areas protected during winter with BMPs	☑ Yes □ No	□ N/A	Sediment and erosion controlled on roads	☐ Yes ☐ No	☑ N/A
Streams have adequate riparian vegetation	☑ Yes ☐ No	□ N/A	Streams flow and clarity appear adequate given seasonal conditions	☐ Yes ☐ No	☑ N/A
inspection, the channel was dry (see I	Photos 1 and 2)		sh grazed in the spring as needed to manage ve		e
vegetation when the ground is more s The inspection focused on the ranch of erosion were noted. The operators may	ensitive to anim core and observ aintain that the p	al activity. ations wer pasture is r	re made only to the pastureland land immediately managed in accordance with established manage they meet the minimum requirements of the Ger	surrounding it. No ment plans. Based	d on the
and Application Management (if	applicable)				
Agronomic Rates and Setbacks					
Number of application acres <u>*Did not rec</u>	ord from NMP	Amou	ınt of waste spread/yr.: liquids: <u>*</u> sc	olids: <u>*</u>	
Crop type: grass crop					
Manure application / irrigation conducted prior to mid-October	☑ Yes □ No	□ N/A	Application rates per NMP (no evidence of crop kill, ponding, uneven or heavy solids)	☑ Yes □ No	□ N/A
waterways	☑ Yes □ No	□ N/A	Application areas rotated per NMP	☑ Yes □ No	□ N/A
Solid and liquid manure is applied during non-rainy or saturated conditions	☑ Yes □ No	□ N/A	Solid and liquid manure is applied more than 100 feet from surface waters or well heads, or has alternative BMP (described BMP below)	☑ Yes □ No	□ N/A
	operator condu	cted manu	re application per NMP and have a heard size be	low the capacity C	NMP
plans for.					
Gummary					
Pollutant discharges observed?	☐ Yes (see attached)	☑ No	High-risk areas identified that need additional management or improvements?	☐ Yes (see attached)	☑ No
Facility requires corrective action to meet General WDR minimum requirements?	☐ Yes	☑ No	Follow-up required in next Annual Report?	☐ Yes	☑ No
Explanation:					
Based on inspection observations, the	e facility meets t	he Genera	ll WDR minimum requirements.		

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RECOMMENDED AND/OR REQUIRED ACTIONS

Action Items	Comply
	<u> </u>
No Action Items.	

Facility Map



Photo points are referenced in the above inspection report and/or are included in this section to document the facility's conditions at the time of the inspection. The general location of each photo is marked on the Facility Map.

List of Photo Points

- Photo 1: Bermed animal area.
- Photo 2: Berms surrounding animal area.
- Photo 3: Southern berm and conveyance pipe inlet.
- Photo 4: Conveyance pipe outlet into Pond 3.
- Photo 5: Waste stockpile area is next to the southern dry materials storage.
- Photo 6: Seasonal drainage, looking upstream from animal pathway.
- Photo 7: Seasonal drainage, looking downstream from animal pathway.
- Photo 8: Armored and fenced animal pathway out to pasture.
- Photo 9: Edge of Ponds 3 and 4 and a feed area.
- Photo 10: Edge of north barn that is graded to drain towards waste pond system.
- Photo 11: North barn and corral that empties into Pond 1.
- Photo 12: Southern barn that drains into a concrete collection pit.
- Photo 13: Collection pit for southern barn.
- Photo 14: Pond 4 with gravity fed pipelines from Pond 3 and to Pond 5.
- Photo 15: Pond 5 with gravity fed pipeline from Pond 4.



Photo 1: Bermed animal area on the northern hill. Area graded to drain to Pond 3 of the waste pond system. Diversion bar and conveyance pipeline on right.



Photo 2: Diversion berms surrounding the animal area to prevent run-on from entering the animal area, and direct runoff within the animal area to the waste pond system.



Photo 3: Southern diversion berm and conveyance pipeline inlet.



Photo 4: Conveyance pipe outlet into Pond 3.



Photo 5: Waste stockpile area is next to the southern dry materials storage.



Photo 6: Seasonal drainage, looking upstream from animal pathway.



Photo 7: Seasonal drainage, looking downstream from animal pathway.



Photo 8: Armored and fenced animal pathway out to pasture.



Photo 9: Edge of Ponds 3 and 4 on left of photo, feed area on right.



Photo 10: Edge of north barn that is graded to drain towards waste pond system. The gradient is visibly effective at containing wastewater. In the left of photo, the gutter downspout outlet is protected with gravel.



Photo 11: North barn and corral that empties into Pond 1.



Photo 12: Southern barn drains into a concrete collection pit (under maintenance) that connects to the waste pond system.



Photo 13: Collection pit for southern barn.



Photo 14: Pond 4 with gravity fed pipelines from Pond 3 (right) and to Pond 5 (bottom).



Photo 15: Pond 5 with gravity fed pipeline from Pond 4.